

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 716

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H716-ATO-9 [v.2]

Page 1 of 2

Comm. Sub. [NO]  
Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2013

Representative Schaffer

1 moves to amend the bill on page 1, lines 15 to 36 by rewriting those lines to read:

2  
3 **"§ 90-21.121. Sex-selective abortion prohibited.**

4 (a) Notwithstanding any of the provisions of G.S. 14-45.1, no person shall perform or  
5 attempt to perform an abortion upon a woman in this State with knowledge, or an objective  
6 reason to know, that a significant factor in the pregnant woman seeking the abortion is related  
7 to the sex of the unborn child.

8 (b) Nothing in this section shall be construed as placing an affirmative duty on a  
9 physician to inquire as to whether the sex of the unborn child is a significant factor in the  
10 pregnant woman seeking the abortion.

11 **"§ 90-21.122. Civil remedies.**

12 (a) Any person who violates any provision of this Article shall be liable for damages,  
13 including punitive damages pursuant to Chapter 1D of the General Statutes, and may be  
14 enjoined from future acts.

15 (b) A claim for injunctive relief against any person who has violated a provision of this  
16 Article may be sought by (i) the woman upon whom an abortion was performed or attempted in  
17 violation of this Article, (ii) any person who is the spouse, guardian, or current or former  
18 licensed health care provider of the woman upon whom an abortion was performed or  
19 attempted in violation of this Article, or (iii) a parent of the woman upon whom an abortion  
20 was performed or attempted in violation of this Article if the woman was a minor at the time  
21 the abortion was performed or attempted.

22 (c) Any person who violates the terms of an injunction issued in accordance with this  
23 section shall be subject to civil contempt and shall be fined ten thousand dollars (\$10,000) for  
24 the first violation, fifty thousand dollars (\$50,000) for the second violation, and one hundred  
25 thousand dollars (\$100,000) for the third violation and each subsequent violation. Each  
26 performance or attempted performance of an abortion in violation of the terms of an injunction  
27 is a separate violation. The fine shall be the exclusive penalty for civil contempt under this  
28 subsection. The fine under this subsection shall be cumulative. No fine shall be assessed against  
29 the woman upon whom an abortion is performed or attempted."



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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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